

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

IN RE:

|                  |   |                            |
|------------------|---|----------------------------|
|                  | : | Case No.: 09-18112-BFK     |
| FATEMEH NAJAFIAN | : | Chapter 7                  |
|                  | : |                            |
| Plaintiff        | : |                            |
| <hr/>            |   |                            |
| FATEMEH NAJAFIAN | : |                            |
|                  | : |                            |
| v.               | : | Adversary No. 11-01650-BFK |
|                  | : |                            |
| SALLIE MAE, INC. | : |                            |
|                  | : |                            |
| Defendant        | : |                            |

**ANSWER TO COMPLAINT TO DETERMINE  
DISCHARGEABILITY OF A CLAIMED DEBT**

COMES NOW Educational Credit Management Corporation (“ECMC”), by and through counsel, Rand L. Gelber, and in Answer to the Complaint to Determine Dischargeability of a Claimed Debt (“Complaint”) filed by the Plaintiff, states as follows:

1. Upon information and belief, the allegations contained in paragraph 1 of the Complaint are admitted.
2. The allegations contained in paragraph 2 of the Complaint contain a legal conclusion to which no response is required. To the extent a response is required, upon information and belief, the allegations are admitted.
3. With regard to the allegations contained in paragraph 3 of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

4. With regard to the allegations contained in paragraph 4 of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

5. With regard to the allegations contained in paragraph 5 of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

6. With regard to the allegations contained in paragraph 6 of the Complaint, ECMC admits Plaintiff is seeking relief however, ECMC denies Plaintiff is entitled to the relief sought.

A. With regard to the allegations contained in paragraph 6 section A of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

B. With regard to the allegations contained in paragraph 6 section B of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

C. With regard to the allegations contained in paragraph 6 section C of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

***First Affirmative Defense***

Plaintiff has failed to state a cause of action upon which relief can be granted.

WHEREFORE having fully answered the Complaint, ECMC prays for relief as follows:

A. Dismiss Plaintiff's Complaint with prejudice.

B. Declare the indebtedness evidenced by the Note as a non-dischargeable obligation

pursuant to 11 U.S.C. § 523(a)(8).

C. Other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,  
EDUCATIONAL CREDIT  
MANAGEMENT CORPORATION,  
By counsel,

/s/ Rand L. Gelber

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[RgelberMD@aol.com](mailto:RgelberMD@aol.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Answer to Complaint to Determine Dischargeability was sent via first-class mail, postage prepaid, this 28<sup>th</sup> day of December, 2011, to:

Fatemeh Najafian  
8340 Greensboro Drive, #322  
McLean, VA 22102

/s/ Rand L. Gelber

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Rand L. Gelber